THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.419 of 1999

Dated:24.10.2007

Between

Yerra Ramana

..Petitioner

and

1.The Chairman cum Presiding Officer,
Industrial Tribunal cum Labour
Court, Visakhapatnam and others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.419 of 1999

ORDER:

This writ petition is filed seeking to call for the records relating to the Award dated 21.7.1997 in I.D.No.34 of 1994 on the file of the first respondent and to set aside the same.

The petitioner is the workman and 2nd and 3rd respondents are the respondent-Management. It appears that the petitioner was appointed as a conductor in the respondent-Corporation with effect from 4.11.1987. While he was conducting the bus bearing No.AEZ 8123 on 21.6.1992 between Tekkali-Palakonda, a check was exercised at 9.30 hours and the checking officials found certain cash and ticket irregularities and issued a

charge memo to him. Basing on the charge memo, charge sheet was issued and after conducting an enquiry into the same, the petitioner was removed from service. Aggrieved by the same, he preferred an appeal which was also failed. Therefore, he filed a claim petition under Section 2-A (2) of the Industrial Disputes Act, 1947 stating that the enquiry was not properly conducted and the findings of the Enquiry Officer were contrary to the evidence on record. Further, even assuming that there was some misconduct on his part, the punishment of removal from service is disproportionate to that of the misconduct alleged.

The respondent-Corporation filed a detailed counter before the labour Court asserting that the petitioner in short span of five years, suffered ten punishments for the same misconduct of cash and ticket irregularities and apart from that under the present charge the petitioner has re-issued the

tickets which were already used and accounted for at stage No.7. Therefore, the petitioner does not deserve any relief.

Before the Labour Court, no oral evidence was let in by either parties. However, on behalf of the respondent-Corporation, Exs.M1 to M14 were marked.

After a detailed consideration of the entire material placed before it, the labour Court came to the conclusion that the enquiry conducted was valid and the charges framed against the petitioner were proved. The labour Court also examined as to the past conduct of the petitioner, may be, for the purpose of the granting any relief in this case. But, it is found that the petitioner in a short span of 5 years has suffered 10 punishments for the same cash and ticket irregularities and therefore, refused to grant any relief. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner Mr.A.Rama Rao strenuously contended that

absolutely there was no evidence before the enquiry officer to come to the conclusion that the charge No.2 was proved and insofar as charge No.1 is concerned, it is only a mere procedural irregularity, even if it is committed.

I am not in agreement with the submissions made by the learned counsel for the petitioner. This is a case where the petitioner had issued two tickets of Rs.3.75 denomination, which were already utilized and accounted for at stage No7. The Labour Court has not committed any irregularity or infirmity calling for interference of this Court particularly when it was noticed that the petitioner has committed similar mistake 10 times within a short span of five years and suffered suitable punishment.

Therefore, I deem it appropriate not to interfere with such a reasoned order passed by the labour Court.

Writ petition is accordingly dismissed. No costs.

24.10.2007

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